

# **HISTORIC PRESERVATION COMMISSION**

## **Minutes**

August 12, 2004

Salisbury, North Carolina

The Historic Preservation Commission for the city of Salisbury met in regular session on Thursday, August 12, 2004, in the Council Chambers at the City Hall, 132 N. Main Street.

The meeting was called to order by the Vice-Chairman, Michael Young. In addition to Mr. Young the following members were present: Ronald Fleming, Mike Fuller, Anne Lyles, Kathy Walters, and Wayne Whitman.

Absent: Clara B. Jones, Charles Paul and Jeff Sowers

### **Certificates of Appropriateness**

H-46-04      **315 W. Horah St.** – Jean & Foster Owen, owner – Certificate of Appropriateness for continuation of the wrought iron fence, previously approved by HPC, down west side of property and across the front

Foster Owen was sworn to give testimony for the request. Staff presented slides.

Foster Owen began his testimony by reminding the Commission that Certificate of Appropriateness #H-18-00 was previously granted to place iron fence down the west side of the property. He testified that he would like to continue the iron fence up the west side of the property and across the front of the property. The fence, he said, is 42 inches in height and painted aluminum. In response to a question from Kathy Walters, he stated that the fence would connect with the existing brick pillars.

There was no one present to speak in support or opposition to the request.

Ron Fleming made the following motion: “I move that the Commission find the following facts concerning Application #H-46-04 – that Jean and Foster Owen, owners of 315 W. Horah St. appeared before the Commission and sought a Certificate of Appropriateness to continue the wrought iron fence, previously approved by HPC, down the west side across the front of the property; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 Site Features and District Setting – Fences and Walls, pages 54-57, guidelines 7,9, and 10 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-46-04 be granted to Jean and Foster Owen, owners of 315 W. Horah St. to make the changes detailed in the application.”

Kathy Walters seconded the motion; all members present voted AYE.

H-47-04 **428 W. Bank St.** – Frank Labagnara, owner – Certificate of Appropriateness to replace broken garage door with wooden double carriage doors with iron hardware; see attachments

David Garling was sworn to give testimony for the request. Staff presented slides.

David testified that the tract is broken and the cables are burst on the existing garage door. The doors will be replaced with double wooden carriage doors with iron hardware. He informed the Commission that the brick on the garage matches the brick of the original 1839 house. In response to a question from Michael Young, he stated that there is evidence of metal arms which indicates that there had been carriage doors on the garage. Commission member Kathy Walters stated that she also had recently seen evidence as such.

David Garling testified that the doors would be painted Black to match the existing shutters on the house.

There was no one present to support or oppose the request.

Kathy Walters made the motion as follows: “I move that the Commission find the following facts concerning Application #H-47-04 – that David Garling, applicant for Dr. Frank Labagnara, owner of 428 W. Bank St., appeared before the Commission and sought a Certificate of Appropriateness to replace the broken overhead garage door on the detached carriage house with double wooden carriage with iron hardware, painted to match the house trim; that no one appeared before the Commission to support or oppose this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Garages and Outbuildings, pages 22-23, guidelines 2,3, and 5 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-47-04 be granted to Dr. Frank Labagnara, owner of 428 W. Bank St., to make the changes detailed in the application.”

Ron Fleming seconded the motion; all members present voted AYE.

H-48-04 **220 N. Church St.** – City of Salisbury, owner – Joe Morris, applicant - Certificate of Appropriateness for construction of Freedman’s Memorial at the Oak Grove/Freedman’s Cemetery

Joe Morris was sworn to give testimony for the request.

David Phillips showed photos from the original application, as well as photos which showed the approval granted on April 8<sup>th</sup> – Application #H-33-04.

Joe Morris began his testimony by referring the Commission to slides showing the revised design of the West African textile motif pattern to be located in the intersection at N. Church and W. Liberty streets, also approved at the April '04 meeting. The photo presented showed the pattern and color that would be used. The color closely matches the existing brick pavers on the W. Liberty St. sidewalk across from the memorial site.

Mr. Morris continued, showing the elevation drawing of the wall as it would look coming down onto Church St. He said Salisbury Pink granite from the Rowan County quarry would be used in the wall and would be compatible with the wall between the Old English Cemetery and Freedman Cemetery. A paved area will provide access into the cemetery site. The wall on Liberty St. will be granite veneer with stones bearing various etchings of quotations from African American poets, Negro spirituals, etc. in front of the concrete wall.

Mr. Morris reminded the Commission of the 10 ft. opening in the wall approved at their April meeting. However; he stated, upon further consideration from the State Historic Preservation Office, they recommended that perhaps the opening should be the width of one of the capstones. They were asked to come to Salisbury to visit the site and to help decide how the opening could be created in a way that the stones would not have to be cut. So on July 9<sup>th</sup> representatives from the State Historic Preservation Office, members of the Freedman's Memorial Committee, and other interested citizens did meet. Mr. Morris said the recommendation would be outlined in a memorandum of agreement between the city of Salisbury, the State Historic Preservation Office, and the National Endowment for the Arts (a funding agency providing funding to the Memorial project.)

Mr. Morris continued by informing the Commission that a total of 7 stones would be removed – 2 capstones, 3 stones from the middle course of granite, and 2 stones from the base, making an irregular-shaped opening measuring 7 ft., 10 in., at the top; 9 ft. 3 in. in the middle, and 6 ft. 4 in. at the bottom.

The stones, he said, would be retained on site and arranged in a manner that would make it obvious that they were originally part of the wall. The stones will also be numbered, documented, and photographed so that they could be put back into place in the future, if ever so desired.

A retired state archaeologist, John Clauser, will be coming to the site to conduct archaeological testing of the Freedman's Cemetery near the proposed wall opening and along N. Church St. He said he is confident that no unmarked graves on the Freedman's Cemetery side lie along the N. Church St. boundary where the new granite sitting wall would be located.

In response to a question from Commission member, Wayne Whitman, who asked what would happen if a burial site was found, Mr. Morris stated that there would be no construction excavation to disturb the site, nor would the opening be part of a designated path between the 2 burial grounds.

Mr. Morris, informed the Commission following a question from Ronald Fleming, that Paul Fomberg from the Historic Preservation Office, has agreed that there is enough capstone already around the site to keep the wall stable, so no stones would need to be cut.

Kathy Walters asked Mr. Morris for the name of the trees that would be planted along the Boundary of Liberty & Church St., which Mr. Morris said were Eastern Red Cedars.

In response to questions from Michael Young regarding the change of brick, Mr. Morris described it as being Pine Hall brick, and the same range of brick that has been used in streetscape improvement project at Soldiers Memorial AME Zion Church on Liberty St. He said there would be 3 colors of brick that would easily and quickly take on the character of the Pink granite wall.

Arthur Steinberg, a former member of the Memorial Committee, was sworn to speak in opposition to the request. Mr. Steinberg stated that the original purpose of the project was to unify the people of Salisbury but instead is bringing animosity. He said the Commission should not approve something that not everyone is in favor of.

Ann Brownlee, a local historian, was sworn to speak.

Ms. Brownlee brought copies of the Memorandum of Agreement draft dated 8/10/04 for members of the Commission who did not have a copy. She also gave members a copy of an article written by the archeologist, John Clauser.

Ms. Brownlee stated that even though she is not happy with making any type hole in the wall she thinks the new design is an acceptable compromise. However, she informed the Commission that if the new proposal no longer included the gateway structure, it should be reviewed as a change; though she had no preference of whether it was there or not.

Clyde Overcash was sworn to speak.

Mr. Overcash testified that his interest in the project had to do with his belief that a cemetery is sacred ground and should be respected. He stated that when something is done to the property or the tombstones, it is criminal. Mr. Overcash presented three sections of North Carolina general statutes which he read. He concluded by asking the Commission to reconsider and not open the wall. He further stated that he would be willing to work with someone on the history of the site.

Bill Ward, 610 Mahaley Ave., was sworn to speak. Mr. Ward expressed his belief that the Commission would be violating the guidelines that protect historic properties and would set a precedent for changing other historic structures and/or neighborhoods if they approved the request. He asked the Commission to please leave the wall alone.

Following the above expressions, the Chair asked for comments from the Commission.

Kathy Walters stated that the City of Salisbury had already established precedence by a previous opening in the wall and by disinterring bodies to pave Liberty St. She further stated that the committee had followed legal procedure in going through the process to obtain consent for the opening in the wall.

Michael Young stated that the Commission has already established that the passageway through the wall could be done, and as well, received an o.k. from the State Preservation Office along with their recommendations. In addition, a plan for documenting the disruption in the wall to make sure the project did not convey a false sense of history is in place. He agreed with Ms. Walters in that no laws would be broken.

With no other comments from Commission members heard, Kathy Walters made the following motion: “I move that the Commission find the following facts concerning Application #H-48-04 – that Joe Morris, applicant for the city of Salisbury, owner of 220 N. Church St. appeared before the Commission and sought a Certificate of Appropriateness to alter the opening in the granite wall at Oak Grove/Freedman’s Cemetery from the plan previously approved by HPC; that Arthur Steinberg, Clyde Overcash and Bill Ward appeared before the Commission to oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting: Parking and Paving, pages 57-58, guidelines 1 and 3; Landscaping and Streetscape, pages 59-60, guidelines 1,3, and 4 of the Non-Residential Historic District Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-48-04 be granted to Joe Morris, applicant for the city of Salisbury, owner of 220 N. Church St. to make the changes detailed in the application.”

Anne Lyles seconded the motion. Commission members Fleming, Fuller, Lyles, Walters and Young voted AYE. Commission member Whitman voted NO.

**H-49-04 727 S. Fulton St. – William R. James & Mary K. Miller (James), owner –** Certificate of Appropriateness for renovation project on 1<sup>st</sup> floor bathroom and 2<sup>nd</sup> floor bathroom and adjacent utility room which would (1) eliminate a later period window on the 1<sup>st</sup> floor not appropriate to the style of the house (2) eliminate a 2<sup>nd</sup> floor door which, on account of prior renovations/additions, leads nowhere, and (3) reconfigure four other windows not appropriate to the style of the house

William R. James was sworn to give testimony for the request. Staff showed slides.

Mr. James began by telling the Commission that he, along with his wife, is new to Salisbury; however, he said that historic preservation has been a big part of his life, and has restored a number of structures in Denver CO.

His testimony began by informing the Commission that after proceeding into what was to be a simple project, an area of the original flooring in a room on the first floor of the house was found to be rotting away and badly patched.

With this problem leading to others, he testified that the entire pavilion from the basement to a small attic has been gutted, which is allowing them the opportunity to make some improvements to the exterior of the home.

He said the aluminum siding which covered the original clap board has been removed. From the slides he pointed out the square style 2<sup>nd</sup> floor windows which will be removed and replaced with narrow arched windows matching the original arch window as now exist on the 2<sup>nd</sup> floor. He pointed out another area that is still covered with aluminum siding where the original pediment was removed from over top of an existing double window. In addition, he requested replacement of 3 windows on the 2<sup>nd</sup> floor with single, fixed windows divided by a center muntin with arched pediment as found on the original; also, installation of 1 window in the lower bathroom and 1 window in the 2<sup>nd</sup> bathroom, double windows in 3<sup>rd</sup> bathroom, and double windows in the utility room. He said the proposal is to replace the windows with exactly half of what the historical window is – rather than a double hung sash, it would be single fixed sash – half the height ( 4') and divided by a muntin.

In response to Kathy Walters' question as to whether the windows would be wooden, he said the exterior would be wooden windows.

In response to a question from Michael Young who asked if there was any evidence of other windows in the house of the same style as the new proposed windows, Mr. James said the same style windows are located on the other gabled end of the house Kathy Walters explained that the windows to be replaced were not original so did not match the rest of the house.

Mr. James explained that in the 1950-1960 period, the residence had been divided into 9 apartments and in doing so there were cheap shortcuts taken to provide windows and doors which did not keep the architectural style of the house. He also stated that he believes that the area he is working with was part of the original structure.

Michael Young read from the Historic District Design Guidelines Section 2 – Changes to Buildings, Windows and Doors, pages 14-17 – *If total replacement of a window or a door is necessary, a unit should be used that matches the original in dimension, configuration, material, and detail. Replacement units should never require alteration of the original door or window opening. If double glazing in a new unit is desired for energy efficiency, it is not appropriate to compromise the architectural character of the building by choosing snap-in muntins in place of true divided light. Windows in the historic district primarily consist of wooden double-hung sashes, vertical in proportion, with a variety of pane subdivisions. The number and the size of the lights, or panes, in a window are indicative of its architectural style.*

Michael Young continued by stating that he does not feel good about fixed windows over movable sashes. He asked Mr. James if he would have a problem with making the windows double-hung sashes by turning the top portion of the window to a double-hung window.

Mr. James said “if that is your decision then we will certainly do that but it adds to the expense of the project.” He then explained again his proposal and stated that he would like to do a better treatment with the windows than what now exists but without breaking the bank.

Michael Young read the guidelines for Utilities and Energy Retrofit from the Historic District Design Guidelines (4) *It is not appropriate to replace multiple-paned doors or window sashes with thermal sashes using snap-in, false muntins.* He said that guideline refers to what would be done – simulating a double-hung window using just a sash.

Mr. James stated that he is proposing a single sash but not with a snap-in muntin, but a real muntin.

The Chairman then called for the motion which was made by Wayne Whitman as follows: “I move that the Commission find the following facts concerning Application #H-49-04 – that William R. James and Mary K. Miller, owners of 727 S. Fulton St., appeared before the Commission and sought a Certificate of Appropriateness to eliminate a later period first floor window, eliminate a second floor door which leads nowhere, and reconfigure four other windows not appropriate to the style of the house; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings: Windows and Doors, pages 14-17, guidelines 2 ad 5; and Wood, pages 26-27, guidelines 1,2,3,5, 10 and 11 of the Residential Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-49-04 be granted to William R. James and Mary K. Miller, owner of 727 S. Fulton St. to make the changes detailed in the application with the following changes agreed to by applicant: wood double-hung sashes.”

Anne Lyles seconded the motion. Commission members Fleming, Lyles, Walters and Whitman voted AYE. Commission members Fuller and Young voted NO.

(Michael Young passed the gavel to Kathy Walters for the hearing of the following 2 requests:)

**H-50-04 322 Depot St.** – L. S. Bradshaw Real Estate, owner – Certificate of Appropriateness to (1) remove the existing metal roll-up door and replace it with a new aluminum door and window storefront unit (2) replace the existing 6-panel door with an aluminum framed full-light entry door – all aluminum framing to be bronze anodized (3) repaint steel-cased windows (4) install 3 open-ended fabric awnings across the front elevation

**H-51-04 316 Depot St.** – L. S. Bradshaw Real Estate, owner – Certificate of Appropriateness to (1) repair and repaint the existing wood paneled and glazed roll-up door (2) repaint the single entry door (3) repaint the frames and transoms at the 2 large windows on the front elevation (4) install traditional, open-ended fabric awnings on the front elevation

Diane Young, applicant for L. S. Bradshaw Real Estate, was sworn to give testimony for the requests.

Staff presented slides.

Ms. Young stated that Mr. Bradshaw will be utilizing Historic Rehabilitation Tax Credits on both of the projects and has also filed Historic Preservation Certification applications with the State Historic Preservation Office. She said they had not completed their review but have responded with some comments that she would incorporate into the presentation.

Beginning with 316 N. Depot St., Ms. Young testified that the existing roll-up door would be repaired and repainted to remain operational, the frames of 2 existing aluminum-framed windows which flank the entrance door will be painted and retained, and the half-light wood panel wood will also be repaired and repainted.

Ms. Young informed the Commission that the awnings over the windows and door will be changed per the recommendation from the State Historic Preservation Office to 3 separate awnings rather than one long continuous awning. There will be one awning for each window, stretching from side-to-side within the confines of the window opening. The awnings will be fabric, angled with a valance, open-ended, have a drop of 5 ft., and a projection of 4 ft. The awning over the door will be very slender and vertical starting about 6 inches above the lintel over the door with the angle identical to the awnings over the windows.

In response to a question from the Chair, she said the awnings would be striped but the color had not yet been selected; nor had the paint color.

There was no one present to speak in support or opposition of the request.

Anne Lyles made the following motion: “I move that the Commission find the following facts concerning Application #H-51-04 – that Diane Young, applicant for L. S. Bradshaw, owner of 316 N. Depot St., appeared before the commission and sought a Certificate of Appropriateness to remove, repair, and repaint the existing wood paneled and glazed roll-up door, repaint the single entry door, repaint the frames and transoms of 2 front windows, and install open-ended fabric awnings across the front elevation; that no one appeared before the Commission to support or oppose this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings: Windows and Doors, pages 30-31, guidelines 1-4 and 10; Utilities and Energy Retrofit, pages 42-43, guideline 7; Paint, pages 38-40, guidelines 3, 5, and 6 of the Non-Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-51-04 be granted to Diane Young, applicant for L. S. Bradshaw, owner of 316 N. Depot St., to make the changes detailed in the application.”

Mike Fuller seconded the motion; all members present voted AYE.



Diane Young continued with the request for 322 N. Depot St. She began by informing the Commission that an aluminum frame storefront system had already been installed where there had been a steel roll-up door. The existing steel case windows, not original to the building, will be repaired and left operable, and painted a dark Bronze color. An existing 6-panel door will be replaced with a full-light aluminum-frame door. She further testified that there would also be separate awnings for this building as recommended by the State Historic Preservation Office. There will be 4 awnings installed within the openings of the doors and windows - a striped fabric, angled, open-ended, and the same height as the awnings on 316.

There was no one present to speak in support or opposition to the request.

Ronald Fleming made the following motion: "I move that the Commission find the following facts concerning Application #h-50-04 – that Diane Young, representative for L. S. Bradshaw, owner of 322 N. Depot St., appeared before the Commission and sought a Certificate of Appropriateness to remove existing metal roll-up door and replace with a new aluminum door and window storefront unit, replace the existing 6-panel door with an aluminum framed full-light entry door with all aluminum framing to be bronze anodized, repaint steel-cased windows, and install 4 open-ended awnings across the front elevation; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings: Storefronts, pages 20-22, guidelines 1-7; Windows and Doors, pages 30-31, guidelines 1-4 and 10; Utilities and Energy Retrofit, pages 42-43, guideline 7 of the Non-Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-50-04 be granted to Diane Young, applicant for L. S. Bradshaw, owner of 322 N. Depot St., to make the changes detailed in the application."

Mike Fuller seconded the motion; all members present voted AYE.

David Phillips informed the Commission that the paint colors and awning colors could be approved as a minor work.

Kathy Walters asked Ms. Young to remind Mr. Bradshaw that in the future he should come before the Commission before making any changes.

#### Changes to Guidelines

Janet Gapen presented changes to the Guidelines, stating that the changes represent the intent of what the Commission is trying to do.

Michael Young made the motion to accept the changes as presented. Mike Fuller seconded the motion; all members present voted AYE.

Anne Lyles inquired about a house in the Brooklyn South Square Historic District whose owner has installed vinyl siding, which she reported. David Phillips stated that a letter was sent to the property owner. He said if the owner does not come before the Commission to request approval, then he would be fined.

### **Minutes**

The minutes of the July meeting were approved as presented.

### **Adjournment**

There being no other business to come before the Commission, the meeting was adjourned at 7:00 p.m.

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Michael Young, Vice-Chairman

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Judy Jordan, Secretary